

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

MICHAEL SCOTT CONNOR,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos.: 3:11-CR-114-TAV-HBG-2
	)	3:13-CV-599-TAV
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Before the Court now is the Report and Recommendation of Magistrate Judge H. Bruce Guyton, entered on December 8, 2016 [Doc. 168] (the “R&R”), which addresses an evidentiary hearing in relation to Petitioner’s § 2255 motion [Doc. 131]. In the R&R, Judge Guyton recommends that the Court accept Petitioner’s withdrawal of his § 2255 motion and dismiss the motion with prejudice. He also recommends that no certificate of appeal ability issue for this case because Petitioner is no longer pursuing his constitutional claims of the ineffective assistance of counsel.

There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 168]. The Court accepts Petitioner’s withdrawal of his § 2255 motion and the motion [Doc. 131] is hereby **DISMISSED WITH PREJUDICE**. The Court

**CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this Court **DENIES** Petitioner leave to proceed *in forma pauperis* on appeal. See Fed. R. App. P. 24. Petitioner having failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability **SHALL NOT ISSUE**. 28 U.S.C. § 2253; Fed. R. App. P. 22(b). The Clerk of Court is **DIRECTED** to **CLOSE** Case No. 3:13-CV-599.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
CLERK OF COURT